

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

United States of America	:	Case No. 2:23-cv-02813-MHW-CMW
Plaintiff,	:	Judge Michael H. Watson
vs.	:	Magistrate Judge Chelsey M. Vascura
Joseph E. Lucas, <i>et al.</i>	:	
Defendants.	:	

**FIRST AMENDED JOINT ANSWER OF DEFENDANTS JACOB BUSH AND EMILY
BUSH TO THE SECOND AMENDED COMPLAINT OF
THE UNITED STATES OF AMERICA
WITH JURY DEMAND**

Now come Defendants Jacob and Emily Bush, by and through counsel, and hereby provide their Joint Answer to the Second Amended Complaint of The United States of America.

In responding to these allegations, Defendants specifically note that the Plaintiff's Second Amended Complaint does not specifically identify the address of the "Subject Property" that Plaintiff alleges is owned by Defendants Jacob Bush and/or Emily Bush.

1. Defendants deny the allegations contained in the following paragraphs of Plaintiff's Amended Complaint for lack of knowledge: 1, 2, 3, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38.
2. Defendants deny the allegations contained the following paragraphs of Plaintiff's Amended Complaint: 4, 13, and 23.
3. Defendants admit the allegations contained in the following paragraphs of Plaintiff's Amended Complaint: 5, 6, and 7.
4. Defendants deny any other allegation set forth in Plaintiff's Second Amended Complaint that has not otherwise already been denied.

FIRST DEFENSE

5. The Plaintiff's Complaint fails to state a claim against Defendants Jacob Bush and Emily Bush upon which relief may be granted.

SECOND DEFENSE

6. For lack of an agency relationship, Defendants Jacob Bush and Emily Bush are not vicariously liable for Defendant Joseph Earl Lucas' conduct.

THIRD DEFENSE

7. Defendants Jacob Bush and Emily Bush are not vicariously liable for Defendant Joseph Earl Lucas' conduct, as such alleged conduct was committed outside the scope of any employment and /or agency relationship.

FOURTH DEFENSE

8. Defendants Jacob Bush and Emily Bush assert the affirmative defense of the statute of limitations as it may be applicable to the facts of this case.

FIFTH DEFENSE

9. Defendants Jacob Bush and Emily Bush assert the affirmative defense of fraud as it may be applicable to the facts of the case.

SIXTH DEFENSE

10. Defendants Jacob Bush and Emily Bush assert the affirmative defense of illegality as it may be applicable to the facts of the case.

SEVENTH DEFENSE

11. Defendants Jacob Bush and Emily Bush assert the affirmative defense of unclean hands as it may be applicable to the facts of the case.

EIGHTH DEFENSE

12. Any damages or injuries sustained were not proximately caused by the conduct of Defendant Jacob Bush and/or Defendant Emily Bush.

NINTH DEFENSE

13. Defendants Jacob Bush and Emily Bush assert the affirmative defenses provided pursuant to the Statute of Frauds, as they may be applicable to the facts of the case.

TENTH DEFENSE

14. Defendants Jacob Bush and Emily Bush assert the affirmative defense of lack of consideration as it may be applicable to the facts of the case.

ELEVENTH DEFENSE

15. Defendants Jacob Bush and Emily Bush assert the affirmative defense of lack of privity as it may be applicable to the facts of the case.

TWELFTH DEFENSE

16. Defendants Jacob Bush and Emily Bush assert the affirmative defenses of accord and satisfaction, equitable estoppel, set-off, and res judicata, as they may be applicable to the facts of the case.

THIRTEENTH DEFENSE

17. Defendants Jacob Bush and Emily Bush assert the defenses created by the language, releases, and waivers contained in the applicable lease agreement, and / or statutory defenses associated with the same.

FOURTEENTH DEFENSE

18. Defendants Jacob Bush and Emily Bush assert the defense of lack of reckless and/or malicious state of mind, as it may be applicable to the facts of the case.

FIFTEENTH DEFENSE

19. Defendants Jacob Bush and Emily Bush assert the defense of failure to exhaust administrative remedies, as it may be applicable to the facts of the case.

SIXTEENTH DEFENSE

20. Defendants Jacob Bush and Emily Bush assert the defense of failure to mitigate damages as it may be applicable to the facts of the case.

SEVENTEENTH DEFENSE

21. On account of the vague and ambiguous nature of the allegations of the Plaintiffs, Defendants Jacob Bush and Emily Bush reserve the right to plead and other defenses that may hereafter be discovered during the course of discovery.

WHEREFORE, Defendants Jacob Bush and Emily Bush respectfully request that this Court dismiss the claims against Defendants Jacob Bush and Emily Bush as set forth in the Second Amended Complaint at Plaintiff's cost, and that Defendants Jacob Bush and Emily Bush recover their costs incurred herein, reasonable attorneys' fees, and for such other relief as the Court deems just and appropriate.

Respectfully submitted,

/s/ Sky Pettey and Robert R. Rittenhouse
Sky Pettey - 0072041
Trial Attorney for Defendants Jacob and Emily Bush
Robert R. Rittenhouse - 0079276
Attorneys for Defendants Jacob Bush and Emily Bush

Lavelle and Rittenhouse, LLC
449 E. State Street
Athens, Ohio 45701
740-593-3348 - telephone
740-594-3343 - facsimile
rusty@johnplavelle.com
sky@johnplavelle.com

JURY DEMAND

Defendants Jacob Bush and Emily Bush demands a jury be empaneled, of the maximum number of jurors permitted by law, on all issues presented in this case for which a jury is permitted.

Respectfully submitted,

/s/ Sky Pettey and Robert R. Rittenhouse
Sky Pettey - 0072041
Trial Attorney for Defendants Jacob Bush and Emily Bush
Robert R. Rittenhouse - 0079276
Attorneys for Defendants Jacob Bush and Emily Bush

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 10th day of October, 2024, service of the above Answer was made through the Court's ECF system on counsel for all parties who are registered on the ECF system. Parties may further access a copy of this filing through the same.

Respectfully submitted,

/s/ Sky Pettey and Robert R. Rittenhouse
Sky Pettey - 0072041
Trial Attorney for Defendants Jacob Bush
and Emily Bush
Robert R. Rittenhouse - 0079276
Attorneys for Defendants Jacob Bush and
Emily Bush